

Entered - 08/14/01 - sb
CL01L0509 - DIANNE C. MITCHELL

01- *L* -1383

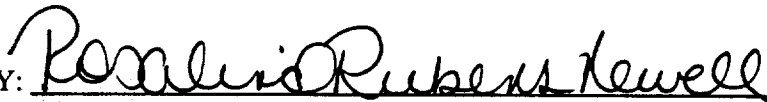
CLAIM OF: **VIC LEONARD PERRY**
2045 Brian Way
Decatur, Georgia 30033

For damages alleged to have been sustained as a result of a vehicular accident on July 9, 2001 at Auburn Avenue and Boulevard.

BY PUBLIC SAFETY AND
LEGAL ADMINISTRATION COMMITTEE:

BE IT RESOLVED by the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment to **VIC LEONARD PERRY** the sum of **\$535.00** in full settlement and satisfaction of all claims, past, present and future, of every kind and character for damages alleged to have been sustained as a result of a vehicular accident on July 9, 2001 at Auburn Avenue and Boulevard as is more particularly set forth in the within claim; said sum taken from and charged to account 1A01/529017/T31001, Settlement of Suits and Claims, Department of Law.

APPROVED: SUSAN PEASE LANGFORD
CITY ATTORNEY

BY: 
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 01L0509

Date: August 16, 2001

Claimant /Victim VIC LEONARD PERRY

BY: (Atty)(Ins. Co.)

Address: 2045 Brian Way, Decatur, Georgia 30033

Subrogation: Claim for Property damage \$ 535.00 Bodily Injury \$

Date of Notice: 08/10/01 Method: Written, proper X Improper

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence 07/09/01 Place: Auburn Avenue and Boulevard

Department PRCA Division: Parks

Employee involved Melvin Tucker Disciplinary Action: Defensive Driving Course

NATURE OF CLAIM: The driver of the City vehicle rolled backwards and struck the claimant's vehicle causing damages in the above amount.

INVESTIGATION:

Statements: City employee Claimant Others Written Oral

Pictures X Diagrams Reports: Police X Dept Report X Other

Traffic citations issued: City Driver X Claimant Driver

Citation disposition: City Driver Claimant Driver

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial

Improper Notice More than Six Months Other Damages reasonable X

City not involved Offer rejected Compromise settlement

Repair/replacement by Ins. Co. Repair/replacement by City Forces

Claimant Negligent City Negligent X Joint Claim Abandoned

Respectfully submitted,


INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ 535.00 Adverse Account charged: 1A01 X 2J01 2H01

Claims Manager: Concur/date 08-16-01

Committee Action: Council Action

COUNCIL OF THE CITY OF ATLANTA
MUNICIPAL CLERK
City Hall
55 Trinity Avenue, S.W.
Atlanta, Georgia 30335

RE: CLAIM FOR DAMAGES *Ph*

Today's Date: 8/6/01

ENTERED - 8-14-01 - SB
01L0509 - DIANNE MITCHELL

Dear Municipal Clerk:

This is to notify the City of Atlanta that I have suffered damages in the amount sum of \$ 671.25 property and/or \$ _____ bodily injury for which I contend the City is liable.

1. Date of incident: July 9th 2001 (month/day/year) 2. Time of Incident: Between 11 AM & 12 PM 3. Police called: ✓ Yes No
4. Location of incident (including street address): Auburn & Boulevard
5. Name of your insurance company: All-State Policy No. 6 15 033 77902/6
6. State what and how incident occurred: City truck backed into vehicle of claimant while allowing room for city bus to make turn at intersection of Auburn & Boulevard. Driver of city truck did not recognize presence of car in back or heard claimant blowing horn.
7. ALL ESTIMATES AND DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE CLAIMS WILL RESULT IN YOUR CLAIM BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION!
8. The registered owner must make the claim for vehicle damages, complete the following and attach two (2) estimates of repair and proof of ownership of your vehicle (copy of the current tag receipt or title).
- Your vehicle: GMC Jimmy 1989 483 LBD Vic L Perry
(Make) (Year) (Tag Number) (Driver's Name)
- City vehicle: GulBore Truck unknown Fulton/State
(Make) (City Driver's Name) (Department/Bureau)
9. Witness: CARL TOWNS 452 Mary St SW Apt 3030 4/880-0611
(Name) (Address) (Telephone Number)
10. The acknowledgment of this claim in no way waives the Sovereign immunity of the City of Atlanta, as granted by State law, nor is it an admission of liability on behalf of the City of Atlanta and/or its employee(s).
11. This claim should be mailed immediately to the address shown above.

I HEREBY SWEAR OR AFFIRM THAT THE ABOVE INFORMATION IS TRUE AND CORRECT.

Vic Perry
Signature of Claimant

Vic Leonard Perry
(Print Claimant's Name)
2045 Brian Way
(Address)
Decatur, GA. 30033
(City, State and Zip Code)
4) 730-1446 4) 299-6034
(Work Number) (Home Number)

GENERAL RELEASE AND INDEMNIFICATION

CLAIM NUMBER 01L0509

\$ 535.00

IN CONSIDERATION of the sum of FIVE HUNDRED THIRTY-FIVE AND NO/100
 DOLLARS, to be paid to me by the CITY OF ATLANTA, the future receipt of which is hereby
acknowledged, I do hereby, for myself, my heirs, executors, administrators, and assigns, release and forever
discharge said City, its officers and employees, including but not limited to Melvin Tucker, from any and all
claims, demands, actions, causes of action, suits, damages, loss and expenses, of whatsoever kind or nature for or
on account of anything that has heretofore occurred, and particularly for or on account of a vehicular accident

which occurred on or about the 9th day of July, 2001

at or near Auburn Avenue and Boulevard

It is further understood and agreed that the payment of the above named sum is not to be considered as an
admission on the part of the City, its officers, agents, servants or employees, of any liability whatsoever and the
undersigned further covenants and agrees to indemnify and hold harmless the City of Atlanta, its officers, agents,
servants and employees, from any and all claims, damages or costs which the said City of Atlanta, its officers,
agents, servants and employees, may be called upon to make as a result of the event hereinbefore referred to.

And I now state that the only consideration for my signing this release and indemnification is the payment
of the sum stated above; that no other promise or agreement of any kind or nature has been made to or with me by
said City or its agents to cause me to sign this release, and that I fully understand the meaning and intent of this
instrument.

WITNESS my hand and seal this 23rd day of Aug., 2001.

Vic Leonard Perry (LS)
VIC LEONARD PERRY

The above release was read and explained to, and signed by the said _____

_____ in our presence on the date above written.

Carl H. Perry

WITNESSES

01- R -1383